

*@ Lara
leg
file*

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

23 September 1974

Honorable James Abourezk
United States Senate
Washington, D. C. 20510

Dear Senator Abourezk:

This is in response to your letter of August 27, 1974, concerning your amendment No. 1511 to S. 3394 (the police training amendment) approved in the Senate Foreign Relations Committee. You noted therein my objection to expanding your amendment to prohibit the use of funds accruing "under any other law."

In my letter of 31 July 1974 to Chairman Fulbright, I stated that such an amendment would adversely impact on the Central Intelligence Agency's relationships with foreign intelligence and internal security services and would impair programs important to the national interest. I stated, also, that the amendment would appear to restrict activities now undertaken by the Central Intelligence Agency under the National Security Act of 1947 for the purpose of obtaining foreign intelligence information from cooperative foreign security and intelligence services, some of which are within national police forces. In addition, in many areas of the world the protection of U.S. personnel, installations and security interests depends heavily on the effectiveness and support of foreign internal security services, as does effective action to counter terrorist activities and narcotics traffic.

An essential ingredient of many CIA relationships with foreign security and intelligence services is some limited and specialized training and other support, as well as the exchange of information and advice. If the Agency were restricted in these activities, our ability to perform our assigned intelligence mission would be severely curtailed.

Activities of the Central Intelligence Agency such as those described in general terms above are authorized by section 102(d)(5), (50 USC 403(d)(5)) of the National Security Act of 1947. Under this statutory authority the National Security Council has issued classified directives and instructions to the Central Intelligence Agency outlining the conduct of the national foreign intelligence effort.

It is my understanding that your interest in expanding the amendment to funds "under any other law" is to prohibit any other Federal agency from funding programs terminated by the narrower language. It is the intent of this Agency to fully comply with the underlying policy of the amendment not to perpetuate programs of other agencies terminated as a result of its enactment and to limit CIA's activities in this field to those related to intelligence. My concern with the broader language relates to its adverse impact on the traditional intelligence functions of this Agency as described above. Thus it would seem that the addition of the phrase "under any other law" is unnecessary in the absence of some other specific statutory authorization.

I hope this is responsive to your needs. If I can be of further assistance, please do not hesitate to call on me.

Sincerely,


W. E. Colby
Director

Enclosure

Copy of National Security Act of 1947

Distribution:

Original - Addressee (w/enclosure)

1 - DCI (w/enclosure)

1 - DDCI (w/enclosure)

1 - ER (w/enclosure)

1 - OLC Subject (w/enclosure)

1 - OLC Chrono (w/enclosure)

1 - OGC (w/enclosure)

Copies sent to: Art Gardiner, AID, GC;
Michael Dolan-Justice Dept.; Bud
McFarlane, NSC; George Gilbert, OMB;
Clark McFadden, SASC; Art Kuhl, SFRC,
Norvill Jones, SFRC; Guy McConnell,

NATIONAL SECURITY ACT OF 1947,
as amended

(61 Stat. 495, P.L. 80-253, July 26, 1947;¹
63 Stat. 578, P.L. 81-216, August 10, 1949;
65 Stat. 373, P.L. 82-165, October 10, 1951;
67 Stat. 19, P.L. 83-15, April 4, 1953;
68 Stat. 1226, P.L. 83-779, September 3, 1954;
70A Stat. 679, P.L. 84-1028, August 10, 1956;
78 Stat. 484, P.L. 88-448, August 10, 1964)

TITLE I—COORDINATION FOR NATIONAL SECURITY

NATIONAL SECURITY COUNCIL

SECTION 101. (a) There is established a council to be known as the National Security Council² (hereinafter in this section referred to as the "Council").

⁵⁰
U.S.C.A.
402(a)

The President of the United States shall preside over meetings of the Council: *Provided*, That in his absence he may designate a member of the Council to preside in his place.

The function of the Council shall be to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and the other departments and agencies of the Government to cooperate more effectively in matters involving the national security.

The Council shall be composed of—³

- (1) the President;
- (2) the Vice President;⁴
- (3) the Secretary of State;
- (4) the Secretary of Defense;
- (5) the Director for Mutual Security [now abolished];⁵
- (6) the Chairman of the National Security Resources Board [now the Director of the Office of Emergency Preparedness];⁶ and
- (7) the Secretaries and Under Secretaries of other executive departments and of the military departments,⁷ the chairman of the Munitions Board [now abolished];⁸ and the

September 1970

Chairman of the Research and Development Board [now abolished],⁹ when appointed by the President by and with the advice and consent of the Senate, to serve at his pleasure.¹⁰

CENTRAL INTELLIGENCE AGENCY

⁵⁰
U.S.C.A.
403

SEC. 102. (a) There is established under the National Security Council a Central Intelligence Agency with a Director of Central Intelligence¹¹ who shall be the head thereof, and with a Deputy Director of Central Intelligence¹² who shall act for, and exercise the powers of, the Director during his absence or disability. The Director¹³ and the Deputy Director¹⁴ shall be appointed by the President, by and with the advice and consent of the Senate, from among the commissioned officers of the armed services, whether in an active or retired status, or from among individuals in civilian life: *Provided, however,* That at no time shall the two positions of the Director and Deputy Director be occupied simultaneously by commissioned officers of the armed services, whether in an active or retired status.¹⁵

(b)(1) If a commissioned officer of the armed services is appointed as Director, or Deputy Director, then—

(A) in the performance of his duties as Director, or Deputy Director, he shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be operative with respect to him if he were a civilian in no way connected with the Department of the Army, the Department of the Navy, the Department of the Air Force, or the armed services or any component thereof; and

(B) he shall not possess or exercise any supervision, control, powers, or functions (other than such as he possesses, or is authorized or directed to exercise, as Director, or Deputy Director) with respect to the armed services or any component thereof, the Department of the Army, the Department of the Navy, or the Department of the Air Force, or any branch, bureau, unit, or division thereof, or with respect to any of the personnel (military or civilian) of any of the foregoing.

(2) Except as provided in paragraph (1) of this subsection, the appointment to the office of Director, or Deputy Director, of a

commissioned officer of the armed services, and his acceptance of and service in such office, shall in no way affect any status, office, rank, or grade he may occupy or hold in the armed services, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. Any such commissioned officer shall, while serving in the office of Director, or Deputy Director, continue to hold rank and grade not lower than that in which serving at the time of his appointment and to receive the military pay and allowances (active or retired, as the case may be, including personal money allowance) payable to a commissioned officer of his grade and length of service for which the appropriate department shall be reimbursed from any funds available to defray the expenses of the Central Intelligence Agency. He also shall be paid by the Central Intelligence Agency from such funds an annual compensation at a rate equal to the amount by which the compensation established for such position exceeds the amount of his annual military pay and allowances.¹⁶

(3) The rank or grade of any such commissioned officer shall, during the period in which such commissioned officer occupies the office of Director of Central Intelligence, or Deputy Director of Central Intelligence, be in addition to the numbers and percentages otherwise authorized and appropriated for the armed service of which he is a member.¹⁷

(c) Notwithstanding the provisions of section 652 [now 7501] of Title 5,¹⁸ or the provisions of any other law, the Director of Central Intelligence may, in his discretion, terminate the employment of any officer or employee of the Agency whenever he shall deem such termination necessary or advisable in the interests of the United States,¹⁹ but such termination shall not affect the right of such officer or employee to seek or accept employment in any other department or agency of the Government if declared eligible for such employment by the United States Civil Service Commission.

(d) For the purpose of coordinating the intelligence activities of the several Government departments and agencies in the interest of national security, it shall be the duty of the Agency, under the direction of the National Security Council—²⁰

September 1970

(1) to advise the National Security Council in matters concerning such intelligence activities of the Government departments and agencies as relate to national security;

(2) to make recommendations to the National Security Council for the coordination of such intelligence activities of the departments and agencies of the Government as relate to the national security;

(3) to correlate and evaluate intelligence relating to the national security, and provide for the appropriate dissemination of such intelligence within the Government using where appropriate existing agencies and facilities: *Provided*, That the Agency shall have no police, subpoena, law-enforcement powers, or internal-security functions: *Provided further*, That the departments and other agencies of the Government shall continue to collect, evaluate, correlate, and disseminate departmental intelligence: *And provided further*, That the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure;²¹

(4) to perform, for the benefit of the existing intelligence agencies, such additional services of common concern as the National Security Council determines can be more efficiently accomplished centrally;

(5) to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct.

(e) To the extent recommended by the National Security Council and approved by the President, such intelligence of the departments and agencies of the Government, except as hereinafter provided, relating to the national security shall be open to the inspection of the Director of Central Intelligence, and such intelligence as relates to the national security and is possessed by such departments and other agencies of the Government, except as hereinafter provided, shall be made available to the Director of Central Intelligence for correlation, evaluation, and dissemination: *Provided, however*, That upon the written request of the Director of Central Intelligence, the Director of the Federal Bureau of Investigation shall make available to the Director of Central

Intelligence such information for correlation, evaluation, and dissemination as may be essential to the national security.

(f) Effective when the Director first appointed under subsection (a) of this section has taken office—

(1) the National Intelligence Authority (11 Fed. Reg. 1337, 1339, February 5, 1946)²² shall cease to exist; and

(2) the personnel, property, and records of the Central Intelligence Group are transferred to the Central Intelligence Agency, and such Group shall cease to exist.^{22A} Any unexpended balances of appropriations, allocations, or other funds available or authorized to be made available for such Group shall be available and shall be authorized to be made available in like manner for expenditure by the Agency.²³

TITLE III—MISCELLANEOUS

ADVISORY COMMITTEES AND PERSONNEL

SEC. 303. (a) The Secretary of Defense,²⁴ the Director of the Office of Defense Mobilization [now abolished],²⁵ the Director of Central Intelligence, and the National Security Council, acting through its Executive Secretary,²⁶ are authorized to appoint such advisory committees and to employ, consistent with other provisions of sections 171-171n, 172-172j, 181-1, 182-1, 411a, 411b, and 626-626d of Title 5,²⁷ and sections 401-403, 404, and 405 of this title,²⁸ such part-time advisory personnel²⁹ as they may deem necessary in carrying out their respective functions and the functions of agencies under their control. Persons holding other offices or positions under the United States for which they receive compensation, while serving as members of such committees, shall receive no additional compensation for such service. Other members of such committees and other part-time advisory personnel so employed may serve without compensation or may receive compensation at a rate not to exceed \$50³⁰ for each day of service, as determined by the appointing authority.

(b) Service of an individual as a member of any such advisory committee, or in any other part-time capacity for a department or agency hereunder, shall not be considered as service bringing such individual within the provisions of sections 281 [now 203],